

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

MATTHEW VANDERSLOOT, individually  
and on behalf of all others similarly situated,,

Plaintiff,

v.

CHARLES BARATTA LLC D/B/A PRIME  
MARKETING,

Defendant.

Civil Action No. 2:24-cv-07096-JMW

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that based on the accompanying Memorandum of Law, Defendant Charles Baratta, LLC, d/b/a Prime Marketing Source (“Defendant”), by and through its undersigned counsel, moves this Court to dismiss Plaintiff’s Complaint with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

In accordance with the agreed briefing schedule set forth in the parties’ joint status letter (Dkt. 21), any opposition memorandum will be served by or before February 14, 2025, and any reply papers will be served by or before February 24, 2025.

Dated: January 24, 2025

Respectfully submitted,

/s/ David M. Krueger

David M. Krueger (0085072) (*Pro Hac Vice*)  
**BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP**

127 Public Square, Suite 4900

Cleveland, Ohio 44114

Telephone: 216.363.4500

Facsimile: 216.363.4588

Email: dkrueger@beneschlaw.com

Laura E. Kogan (0087453) (*Pro Hac Vice*)  
**BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP**

127 Public Square, Suite 4900

Cleveland, Ohio 44114

Telephone: 216.363.4500

Facsimile: 216.363.4588

Email: lkogan@beneschlaw.com

*Attorneys for Defendant Charles Baratta, LLC,  
d/b/a Prime Marketing Source*

**CERTIFICATE OF SERVICE**

The foregoing document was electronically filed on January 24, 2025. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

s/ David M. Krueger

David M. Krueger (0085072) (*Pro Hac Vice*)

**BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP**

127 Public Square, Suite 4900

Cleveland, Ohio 44114

Telephone: 216.363.4500

Facsimile: 216.363.4588

Email: dkrueger@beneschlaw.com